

Chapter 14

ANIMALS

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ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Abandon means to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal; and shall also mean failing to timely redeem any animal impounded or quarantined by the City, as specified herein.

Abuse shall mean to mistreat through intent or neglect any animal in a manner that causes or is likely to cause stress or physical injury or as otherwise stated in this Chapter.

Adult Dog or Cat means any dog or cat over the age of four months.

Animal means any living creature classified as a member of the animal kingdom including, but not limited to, birds, fish, fowl, mammals, and reptiles, but specifically excluding human beings.

Animal Control Officer means the person designated by the City of Helotes to enforce this Ordinance.

Animal Control Facility/Shelter means any facility operated by a humane society, or municipal/county agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Ordinance or State Law.

At large shall mean off the premises of the owner and not under the control of the owner or his employee or his agent by means of a leash, chain, rope, cord, or such other personal presence and attention as will reasonably control a dog's actions and conduct.

Cat means any domestic feline animal (*Felis Domesticus*).

Circus means any commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment means any pet shop, grooming shop, kennel, auction, riding school or stable, zoological park, circus, or performing animal exhibition.

Currently Vaccinated means vaccinated against rabies and satisfies the following criteria:

- (1) The animal must have been vaccinated against rabies according to the label recommendations of a United States Department of Agriculture (USDA) approved vaccine.
- (2) At least thirty (30) days have elapsed since the initial vaccination.
- (3) The time elapsed since the most recent vaccination has not exceeded thirty-six (36) months, depending on the vaccine utilized.

Cruelly Treated means tortured, seriously overworked, abandoned, deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

Dangerous Dog means a dog that makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

Dog means any domestic canine animal (*Canis Familiaris*).

Domestic Animal shall mean any animal which is not prohibited and commonly kept as pets at the owner's residence, including but not limited to, domestic cats and dogs, domestic ferrets, rabbits, and domestic birds.

Enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

Euthanized means to cause death by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress;
or
- (2) Utilizes anesthesia produced by an agent which causes painless loss of consciousness followed by death of the animal.

Hybrid means any offspring of two animals of different species.

Impound means to place an animal in the City's animal control facility; or the taking into custody of an animal for purposes of transportation to the City's animal control facility.

Isolation means the keeping of an animal so confined so as not to have any human or other animal contact and is incapable of escape

Kennel means any premises wherein any person engages in the business of boarding, breeding, letting for hire, training for a fee, or selling animals.

License means the written or printed permission issued by the City of Helotes for the holder of a dog or cat within the City.

License Tag means a metal tag issued by the City of Helotes and bearing the corresponding number of the license.

Licensed Veterinarian means a person licensed by the State of Texas to practice veterinary medicine.

Livestock means bovine, equine, goat, sheep or poultry.

Local Health Authority means a person designated by the City to enforce the provisions of the Rabies Control Act and this Ordinance.

Own means to keep, harbor, or have control, charge, or custody of an animal.

Owner means any person who keeps, harbors, or has charge or control of, or permits any animal to habitually be or remain on, or be lodged or fed within his/her house, yard, or premises. This term shall not apply to veterinarians or kennel operators who have temporary custody of an animal for a period of less than 60 days or animals owned by others.

Performing Animal Exhibitions means any spectacle, display, act, or event other than circuses, in which performing animals are used, excluding certified therapy animals or demonstration animals used in school educational programs except swine.

Public nuisance shall mean the following:

- (1) An owner's failure to control, restrain or otherwise allow, either by conduct or condition, any animal to:
 - a. Engage in conduct which establishes such animal as a dangerous animal;
 - b. Be at large as defined herein;
 - c. Cause a disturbance by excessive, continuous, or untimely barking, howling, crowing, or otherwise make excessive noise near the private residence of another; or continual barking, howling, whining, crowing, or other audible noise, in excess of 15 minutes, even if in sporadic bursts;
 - d. Produce maggots, flies, odors, or unclean conditions sufficient to annoy adjacent property owners or residents;
 - e. Chase vehicles or molest, attack, or interfere with other animals or persons on public property;
 - f. Damage, soil, defile or defecate on private property, other than the owners' property or on public walks or recreation areas, unless such waste is immediately removed and properly disposed of by the owner; or

- g. Allow such fecal matter or other animal waste to accumulate to such a degree as to cause unsanitary, dangerous, or offensive conditions; or
- (2) Any animal normally found in the wild that has entered onto any public or private property and, by its presence, is committing a threat to public health and safety or is generally interrupting the tranquility of the location.

Quarantine means the keeping of an animal so confined so as not to have any human or other animal contact and is incapable of escape.

Quarantine Period means that portion of the observation period during which a biting animal, or an animal which has been bitten, is physically confined for observation.

Restraint means to secure an animal by a leash, lead, cage or within the confines of its owner's home, yard, or property which is fully enclosed by a good, secure and substantial fence.

Secure enclosure means a fenced area or structure that is:

- (1) Locked.
- (2) Capable of preventing entry of the general public, including children.
- (3) Capable of preventing escape or release of an animal.
- (4) Clearly marked, if applicable as containing a dangerous animal.

Serious Bodily Injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Vaccinated means properly injected by a licensed veterinarian with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

Vaccination Certificate means a certificate showing that the animal described thereon has received an inoculation of antirabic vaccine in an amount sufficient to produce an immunity and bearing the signature of a licensed veterinarian.

Veterinary Clinic/Hospital means an establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of a disease and injuries of animals.

Vicious Animal means any animal or animals that constitute a physical threat to human beings or other animals.

Wild Animal means any warm blooded animal which is normally found in the wild, including but not limited to, any non-human primate, raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or bear.

Zoological Park means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-2. Prohibitions.

- (a) *Wild Animals.* It shall be unlawful for anyone to keep or harbor any wild animal. This Section does not apply to zoological parks, performing animal exhibitions, or circuses.
- (b) *Vicious Animals.* It shall be unlawful for anyone to keep or harbor any vicious animal.
- (c) *Animal Fighting.* No person shall possess or harbor any animal for fighting contests, nor shall any person train, torment, badger, bait, or use any animal for the reason of causing or encouraging the animal to attack human beings or domestic animals.

- (d) *Other Prohibited Animals.* It shall be unlawful for anyone to keep any hog, pig or swine, peacock, emu, ostrich, or hybrid wolf within the City of Helotes except when confined and in transit through the City.
- (e) *Disturbing the Peace.* No person shall own an animal in such a manner that the peace or quiet of the public is unreasonably disturbed.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 2 §1, 2-12-2009) 74, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-3. Rabies control.

Texas Health and Safety Code, Chapter 826, provides the minimum standards for rabies control in Texas and for this Section.

- (a) *Vaccination Required.* All dogs, cats, and household pets over the age of four (4) month within the City of Helotes shall be immunized against rabies by a licensed veterinarian and by means of any standard vaccine approved by the U.S. Government for the prevention of rabies. The animal must receive a booster within the twelve (12) month interval following the initial vaccination. The animal must be revaccinated against rabies every twelve (12) or thirty-six (36) months, depending on the vaccine used. The licensed veterinarian who administers such vaccine shall issue to the animal's owner a rabies tag and vaccination certificate which contains the name, address, and telephone number of the owner; the name, species, sex, date of birth, weight, breed, and color of the animal; the type, producer, expiration date, and serial number of the vaccine used; the date vaccinated; the rabies tag number; and the veterinarian license number and signature. The information on the vaccination certificate is confidential and not subject to disclosure under Chapter 552, Government Code. (Ord. 274A, §1, 6-8-2006)
- (b) *Report of Exposure to Rabies.*
 - (1) Any veterinarian who shall find any animal within the city limits afflicted with a disease which is transmissible from the animal to man shall immediately report to the Local Health Authority such case together with the name and address of the owner and the location of the premises where the animal can be found.
 - (2) Persons having knowledge of any animal exhibiting symptoms of, or exposed to rabies, or that has bitten, scratched, or otherwise attacked, without provocation, an individual or another animal, or that the person suspects to be rabid or could reasonably foresee as capable of transmitting rabies, shall report the animal or incident to the City or the Local Health Authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The report shall include the name and address of any victim to the incident or animal. (Ord. No. 470, §1, 6-28-2012)
- (c) *Quarantine Procedures.*
 - (1) Any animal that bites or reportedly bites a human or is suspected of having rabies shall be isolated in strict confinement at the Animal Control Facility for observation. Such animal shall not be euthanized or released for at least ten (10) days unless, at the discretion of the Local Health Authority, the animal is sacrificed for the purpose of laboratory examination.
 - (2) Any currently vaccinated animal that has been bitten by a known or suspected rabid animal shall be revaccinated immediately (within 48 hours) and placed in isolation under observation for a period of forty-five (45) days or euthanized.

At the discretion of the Local Health Authority, any unvaccinated animal which has been bitten by a known or suspected rabid animal shall be isolated in strict confinement in a place and manner approved by the Local Health Authority and observed for a period of ninety (90) days or euthanized.

- (3) In the event the owner refuses to surrender such animal on demand, such action shall constitute a misdemeanor and, upon conviction, be punishable by a fine as prescribed by law.
- (4) The owner of any animal that is isolated shall pay all fees and expenses related to the confinement and disposition, including, when applicable, the charges for preparation and shipment of the animal's head or brain to the nearest Texas Department of Health certified laboratory for rabies diagnosis. All quarantine related payment arrangements shall be at the discretion of the quarantine facility.
- (5) In no event shall any animal subject to this Section be allowed to remain at the owner's home unless a written evaluation by a licensed veterinarian, establishing health and safety, is acquired by the owner and submitted to the Local Health Authority. In addition the following criteria must be met:
 - a. Approval from the Animal Control Officer or authorized Police Officer at the scene of the incident.
 - b. A secure enclosure must be used to prevent escape.
 - c. The animal has a current vaccination certificate or is an unvaccinated animal under the age of four (4) months.
 - d. The Local Health Authority or a licensed veterinarian must observe the animal, at the very least on the first and last days of the quarantine period.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-4. Loan of live traps.

Live traps for small animals may be obtained from the City for a fee. (The applicant shall pay the fee as prescribed in the most recent adopted fee schedule passed and approved by the City Council.) All funds so generated will be used to purchase additional or replacement traps or other equipment needed by the Animal Control Officer. The Animal Control Officer may, but will not be required to assist the property owner with animal relocation or euthanization. (Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-5. Animal exhibitions.

- (a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or likely cause, physical injury or suffering.
 - (b) All equipment used on a performing animal shall fit properly and be in good working condition.
- (Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-6. Use of force in the capture and restraint of animals.

- (a) For the purposes of this Section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

- (1) Bite stick is defined as a collapsible (telescoping) baton used by an Animal Control Officer or, in his absence, a Code Enforcement Officer (the "authorized personnel"), who reasonably believes it is necessary to protect themselves or another person from an aggressive and threatening animal.
 - (2) Reasonable force is defined as the absolute minimum force necessary for self protection, public safety, and the impoundment of an animal, including, but not limited to, placing an animal in a cage, removing an animal from a kennel, or snaring an animal with a control pole.
- (b) Policies and Procedures.
- (1) Personnel authorized to carry and use bite sticks within the City of Helotes shall only carry and use bite sticks while on duty. Bite sticks issued to authorized personnel by the City shall remain within the City's corporate limits or extraterritorial jurisdiction at all times, unless official City business outside of the City's corporate limits or extraterritorial jurisdiction warrants authorized personnel to carry and / or use bite sticks in accordance with their job duties and the established Use of Force Continuum policy.
 - (2) The use of a bite stick by authorized personnel is sanctioned if it is deemed to be reasonable force and necessary to protect themselves or another person from immediate danger or serious bodily injury from an aggressive and threatening animal. The bite stick shall be used in accordance with a Use of Force Continuum policy established by the City Administrator.
 - (3) All authorized personnel shall complete a training course, as approved by the City Administrator, on the proper use of a bite stick before such personnel are authorized to carry and utilize a bite stick.

(Ord. No. 459, §2, 10-27-2011)

Secs. 14-7 – 14-20. Reserved.

ARTICLE II. ANIMAL CARE.

Sec 14-21. Restraint, animals at large.

- (a) *Animals at Large are Prohibited.* It shall be unlawful for any owner of an animal to allow an animal to chase vehicles or molest, attack, or interfere with other animals or persons on public property, or be at large as defined in section 14-1. The Animal Control Officer or Police Officer is authorized to impound any animal found and determined to be at large.
- (b) All animals shall be kept under restraint at all times while in the City.
- (c) An owner shall exercise proper care and control of their animals to prevent such animals from becoming a public nuisance.
- (d) Every female dog or cat in season (estrus) shall be kept securely confined in such a manner that it cannot come in contact with a male dog or cat except for planned breeding.
- (e) Unlawful Restraint of an Animal.
 - (1) An owner may not leave an animal outside and unattended by use of a restraint that unreasonably limits the animal's movement.
 - (2) In this Section, a restraint unreasonably limits an animal's movement if the restraint:
 - a. Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the animal;
 - b. Is a length shorter than the greater of:

1. Five (5) times the length of the animal, as measured from the tip of the animal's nose to the base of the animal's tail; or
 2. Ten (10) feet;
 - c. Is in an unsafe condition; or
 - d. Causes injury to the animal.
- (3) *Exceptions.* Sec. 14-21(e) does not apply to:
- a. an animal restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
 - b. an animal restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
 - c. an animal restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
 - d. an animal restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;
 - e. an animal restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
 - f. an animal restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(Ord. No. 393, §1, 2-12-2009)

Sec 14-22. Number Allowed and Space and Management Requirements.

- (a) Animals which are normally and customarily kept as pets and not prohibited elsewhere in this Ordinance, are allowed in any Zoning District, provided that such animal(s) are kept in accordance with the requirements of all federal, state, or local regulations. The list of animals authorized by this Subsection includes pigeons, chickens, pheasants, cows, horses, sheep, goats and other livestock.
- (b) *Pigeons.* A maximum of fifteen (15) pigeons on a single lot, parcel or tract of land. All pigeons shall be confined at all times in a clean, sanitary cage or loft located at least seventy-five feet (75') from any residence or adjacent property not owned by the owner of the pigeons.
- (c) *Livestock or Fowl.* A minimum of one (1) acre (43,560 sq. ft.) is required. Any fraction of an acre does not count when calculating the number of animals allowed. The maximum number of animals allowed per acre is as follows:
 - (1) Farm animals (horses, cows, sheep, goats, et cetera.): two (2) on any one or two acre tract; on tracts larger than two acres, one additional animal is permitted for each additional full acre.
 - (2) Rabbits: four (4).
 - (3) Chickens: five (5).
 - (4) Turkeys: three (3).
 - (5) Other fowl: two (2).

- (d) Livestock and fowl shall not be housed within twenty-five feet (25') of any residence or adjacent property line. No livestock or fowl shall be allowed to roam, graze, or be housed within two hundred feet (200') of any food service establishment or food processing establishment.
- (e) *Exclusions:* Clauses (b) and (c) shall not apply to animal control facilities, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishment, however, must meet sanitation requirements and keep animals securely caged or penned. The said clauses shall not be construed to prohibit any person engaged in operating any slaughter house, packing house, or stockyard from keeping livestock for a reasonable length of time while awaiting their use.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-23. Treatment and care of animals.

- (a) It shall be unlawful for any person to intentionally or knowingly:
 - (1) Beat, cruelly treat, torment, torture, overload, overwork, or otherwise abuse any animal.
 - (2) Fail unreasonably to provide necessary water, food, care, shelter, and ventilation for an animal in his custody.
 - (3) Abandon unreasonably any animal in his custody.
 - (4) Transport or confine any animal in a cruel manner.
 - (5) Kill, injure, or administer poison to an animal. This shall not apply to rodent control or pets brought to an animal facility or veterinarian for euthanasia.
 - (6) Cause or instigate an animal to fight with another.
 - (7) Give away any live animal, fish, reptile or bird as a prize for, or an inducement to enter, any contest, game, or other competition, a place of business, or business agreement.
 - (8) Fail to stop and render assistance or to report an injury or death of a domestic animal to the owner, Police Department, or Animal Control Officer when one has struck an animal with a vehicle.
 - (9) Allow an animal to ride in the open bed of a vehicle, unless it is restrained in such a way that it cannot jump or accidentally fall out of the vehicle.
 - (10) Trap an animal by means of a steel jaw leg or neck trap.
- (b) *Seizure and Disposition of Cruelly Treated Animal.* The procedures for the seizure and disposition of a cruelly treated animal are set out in Texas Health and Safety Code, Chapter 821, Subchapter B and are the basis for this Section.
 - (1) If the Animal Control Officer has reason to believe that an animal has been or is being cruelly treated, he may apply to the Municipal Court for a warrant to seize the animal.
 - (2) On showing probable cause to believe that the animal has been or is being cruelly treated, the Court shall issue the warrant and set a time within 10 days of the date of issuance for a hearing in the Court to determine whether the animal has been cruelly treated.
 - (3) The Officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.
 - (4) If the Court finds the animal's owner has not cruelly treated the animal, the Court shall order the animal returned to its owner.
 - (5) If the Court finds the animal's owner has cruelly treated the animal, the court shall:
 - a. Order a public sale of the animal by auction;

- b. Order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals; or
 - c. Order the animal humanely destroyed if the Court decides that such action is in the best interests of the animal or that the public health and safety would be served by doing so.
- (6) The court may order that the animal disposed under Subsection (4)(i) or (4)(ii) be spayed or neutered at the cost of the receiving party.
 - (7) The owner of the animal may appeal the order. While the appeal is pending, the animal may not be sold, destroyed, or given away.
 - (8) Notice of the auction shall be posted where all public notices are posted.
 - (9) At the auction, a bid by the former owner or the owner's representative shall not be accepted.
 - (10) Proceeds from the sale of the animal shall be applied first to the expenses incurred in caring for the animal during impoundment and in conducting the auction. Any excess proceeds shall be paid to the court.
 - (11) If the Animal Control Officer is unable to sell the animal at auction, he may cause the animal to be destroyed or may give the animal to a nonprofit animal shelter, pound, or society for the protection of animals.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-24. Animal waste.

- (a) The owner of every animal shall be responsible for the immediate removal of any feces deposited by his animal(s) on public walks, recreation areas, or private property, excluding the property of the owner.
- (b) The owner of every animal shall keep the area where the animals are kept in a sanitary condition so as not to become an odor nuisance to their neighbors.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-25. Inspection of animals and premises.

Animals and the premises whereon animals are kept or maintained shall be subject to inspection by the City Health Officer, City Health Inspector, Animal Control Officer, or their representative, or City employees in cases of emergency involving serious threats to the public safety or health. (Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Secs. 14-26 - 14-40. Reserved.

ARTICLE III. VOCATIONAL EDUCATION PROGRAMS

Sec. 14-41. In General.

- (a) Animals which are normally and customarily kept as approved 4-H and FFA projects, including chickens, turkeys, rabbits, sheep/goats, cattle, and horses, will be allowed in any Zoning District except where residential deed restrictions disallow such uses.

All projects will be based on a confined feeding program with a minimum lot size of one (1) acre with no proration for area less than 1 acre. Additionally, all projects shall meet the following minimum area requirements:

PROJECT	MAXIMUM NUMBER PER ACRE	MINIMUM SPECIFICATIONS
Chickens	50	20'x20' confined feeding area and shelter
Turkeys	50	25'x25' confined feeding area and shelter
Rabbits	25	Individual confinement hutches per head
Sheep or Goats	2 for first acre 1 for each additional acre	8'x16' pen with 3'x6' shelter per 2 head
Cattle	2 for first acre 1 for each additional acre	10'X20 pen with a 6'x8' shelter per animal and an additional 100 sq. ft. with 4'x6' shelter per each additional animal
Horses	2 for first acre 1 for each additional acre	10'x20' indoor stall/pen per horse with minimum 40'x40' outside corral allowed

- (b) Multiple projects on the same acreage shall meet the minimum area specifications for each project.
- (c) Livestock and fowl shall not be housed within twenty-five feet (25') of any residence or adjacent property line.
- (d) Agricultural education project center housing facilities, including those on a high school campus, are exempt from the number of animal provisions of this Ordinance.
- (e) The confined area must be kept clear of all manure in order to reduce odor and insects.
- (f) All livestock must have a feeding program consistent with best management feeding practices and a high quality water source at all times.
- (g) Licensing requirements do not apply to approved projects.

- (h) At the discretion of the City Administrator, the first complaint of public nuisance or violations of good animal husbandry practices may be mediated by City Officials and 4-H and FFA leaders in an attempt to foster responsible project management, good citizenship, and community responsibility. Failure to resolve or abate unsatisfactory conditions within fourteen (14) days from the first complaint shall be cause for civil or criminal action under the provisions of this Ordinance.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Secs. 14-42 – 42-50. Reserved.

ARTICLE IV. DOGS AND CATS

Sec. 14- 51. Number allowed.

It shall be unlawful for any person or persons to own more than four (4) adult dogs and four (4) adult cats in any residential district within the City of Helotes. Veterinarian facilities, pet shops and Animal Care Facilities are exempt from this requirement. (Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-52. Rabies vaccination required.

All dogs and cats over the age of four (4) month within the City of Helotes shall be immunized against rabies, at a minimum of every twelve (12) or thirty-six (36) months, depending on the vaccine used, by a licensed veterinarian and by means of any standard vaccine approved by the U.S. Government for the prevention of rabies. (See Article 1, Sec. 14-3 (a)) (Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 274A, §2, 6-8-2006; Ord. No. 393, §1, 2-12-2009)

Sec. 14-53. Licensing mandatory.

- (a) It shall be unlawful for any person to own a dog or cat over four months of age in the City of Helotes without having obtained a license.
- (b) Application for license must be made within thirty (30) days after obtaining an animal is over four (4) months old.
- (c) License tags must be worn at all times when an animal is off the premises of the owner.
- (d) Rabies vaccinations must be renewed within thirty (30) days of its expiration to maintain lifetime licensing. Rabies vaccination information must be provided to the City of Helotes within ninety (90) days of rabies vaccination. Thereafter, a new lifetime license must be purchased at the time of re-vaccination.

- (e) The Animal Control Officer shall maintain a record of the identifying numbers of all dog and cat licenses.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-54. Exemptions from licensing.

The following dogs and cats are exempt from licensing:

- (a) Any dog or cat under the age of four (4) months.
- (b) Any dog or cat belonging to non-residents whose stay in the City of Helotes will not exceed sixty (60) days.
- (c) Animals in veterinary clinics, boarding kennels, or licensed breeding kennels provided such animals are securely confined at all times.
- (d) Animals brought into the City and entered in any show or exhibition. This exemption will be effective for a period commencing seven (7) days prior to the show and ending seven (7) days after the show.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-55. Issuance procedures and fees.

- (a) Written application for licenses shall be made to the City of Helotes which shall include applicant's name, address, home and work phone number; the name and description of the animal; a current rabies vaccination certificate issued by a licensed veterinarian; and the appropriate license fee. If the applicant has withheld or falsified any information on the application, the City shall refuse to issue a license.
- (b) Upon acceptance of the license application and fee, the City shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance.
- (c) Licenses may be purchased annually or for the lifetime of the animal. Annual licenses are due on January 1 of each year. Annual licenses issued after January 1 of the current year will expire January 1 of the following year and shall be prorated.
- (d) Whenever a license tag is lost or damaged, the owner shall obtain a replacement from the City upon presentation of a current vaccination certificate and the payment of the prescribed fee.
- (e) A license issued for one animal may not be transferred or attached to any other animal.
- (f) The address of the owner is presumed to be the address where the animal is kept. Any change of address must be reported to the Animal Control Officer within thirty (30) days following such change.
- (g) Whenever the ownership of a licensed animal changes, the new owner shall apply for and obtain a new license within thirty (30) days of acquiring the animal.

(h) The Animal Control Officer shall keep a record of each license issued.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-56. Revocation of license.

The City may revoke a license if:

- (a) The applicant has falsified information on the application;
- (b) The person holding the license refuses or fails to comply with this Ordinance or any law governing the protection and keeping of animals.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-57. Impoundment and violation notice.

- (a) Unrestrained animals or animals deemed to be a public nuisance shall be taken by the Animal Control Officer or Police Officer and impounded in the animal control facility.
- (b) Impounded animals which have a current license tag attached to a collar about the animal's neck or other identifying markings will be kept for at least five (5) business days. Animals with no license tag or identifying marking will be kept at least three (3) business days. However, if, in the opinion of the animal control facility Veterinarian, the animal is too sick or injured to survive the impoundment period, it may be immediately euthanized.
- (c) If the owner of an impounded animal can be identified, the Animal Control Officer shall notify the owner as soon as possible.
- (d) In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or Police Officer may issue to the known owner of such animal a notice of Ordinance violation. Such notice shall impose upon the owner a penalty as prescribed by law.
- (e) It shall be unlawful for any person to rescue or turn loose impounded animals from the animal control vehicle, animal control facility, or live traps without the consent of the Animal Control Officer or Police Officer.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-58. Redemption or adoption of impounded animals.

- (a) Any animal may be claimed by its owner upon payment of all fees and expenses related to the impoundment.
- (b) Animals must have current vaccination and license tags prior to being redeemed or adopted.
- (c) Any animal not claimed by its owner within 3 days (unidentified owner), or 5 days (identified owner), shall become the property of the City of Helotes, or its facility, and shall be placed for adoption in a suitable home or humanely euthanized.
- (d) Any animal placed for adoption will be surgically sterilized prior to its release to the new owner.
- (e) Adoption fees will include any fee or expense related to the animal's confinement, medical attention, vaccinations, and surgical procedures. Adoption fees will be paid directly to the animal control facility.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-59. Dangerous dogs.

Texas Health and Safety Code, Chapter 822, provides the minimum regulations for dangerous dogs in Texas and for this Section.

- (a) *Requirements for Owner of Dangerous Dog.* Not later than the 30th day after a person learns that they are the owner of a dangerous dog, the person shall meet the following requirements:
 - (1) *Confinement.* All dangerous dogs shall be confined in a secure enclosure.
 - (2) *Leash and Muzzle.* The owner of a dangerous dog shall not allow the animal to go outside its kennel, pen or structure unless the animal is muzzled, restrained by a chain or leash not more than four feet in length, and under the physical control of a person. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or animal.
 - (3) *Signs.* The owner of a dangerous dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. The sign must be readable from the public roadway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a dangerous dog. Similar signs shall be posted on the animal's kennel, pen or enclosed structure.
 - (4) *Registration.* Every person who owns a dangerous dog must annually register such animal with the Animal Control Officer. A collar identifying the animal as a dangerous must be worn at all times. Such collars must also have the owner's name and address. A registration fee of \$50.00 shall be charged for each dog.
 - (5) *Insurance.* The owner of a dangerous dog must provide proof to the City Secretary that the owner has procured public liability insurance of at least \$100,000, insuring the owner for any damage or personal injury which may be caused by such animal.
 - (6) The owner of a dangerous dog that does not comply with the requirements of this Section shall deliver the dog to the Animal Control Officer not later than the thirtieth (30th) day after the owner learns that the dog is a dangerous dog.
- (b) *Seizure of a Dog Causing Death or Serious Bodily Injury to a Person.*
 - (1) The Municipal Court shall order the Animal Control Officer to seize a dog and shall issue a warrant authorizing the seizure:
 - a. On the sworn complaint of any person, including the attorney or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and
 - b. On the showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person, as stated in the complaint.
 - (2) The Animal Control Officer or Police Officer shall seize the dog and shall provide for the impoundment of the dog in a secure and humane condition until the Court orders the disposition of the dog.
 - (3) The Court shall set a time for the hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The

hearing must be held not later than the tenth (10th) day after the date on which the warrant is issued.

- (4) The Court shall give written notice of the time and place of the hearing to the owner of the dog or the person from whom the dog was seized and the person who made the complaint.
 - (5) Any interested party, including the City Attorney, is entitled to present evidence at the hearing.
 - (6) The Court may order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the Court shall order the dog released to its owner, the person from whom it was seized or any other person authorized to take possession of the dog.
 - (7) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting or mauling the person and
 - a. The dog was being used for the protection of a person or a person's property; and the attack, bite, or mauling occurred in an enclosure in which the dog was being kept; and the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog; and the injured person was at least eight (8) years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;
 - b. The dog was not being used for the protection of a person or person's property; and the attack, bite or mauling occurred in an enclosure in which the dog was being kept; and the injured person was at least eight (8) years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;
 - c. The attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;
 - d. The dog was defending a person from an assault or person's property from damage or theft by the injured person; or
 - e. The injured person was younger than eight (8) years of age; the attack, bite, or mauling occurred in an enclosure in which the dog was being kept; and the enclosure was reasonable certain to keep a person younger than eight (8) years of age from entering.
 - (8) *Destruction of Dog.* The destruction of a dog under this Subsection must be performed by a licensed veterinarian; or personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.
- (c) **Dangerous Dog Declaration and Procedure.**
- (1) If the Animal Control Officer has cause to believe that an animal is dangerous, he may find and declare that animal dangerous and shall notify the owner, in writing, of that fact.
 - (2) If the owner cannot be located, the animal may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.
 - (3) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the Animal Control

Officer to the Municipal Court. An owner may appeal the decision of the Municipal Court in the same manner as an appeal for other cases from the Municipal Court.

- (4) Upon application, the Court shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied with the requirement for keeping a dangerous dog. The hearing must be set not later than the tenth (10th) day after the date on which the dog is seized or delivered.
 - (5) The Court shall give written notice of the time and place of the hearing to the owner of the dog or the person from whom the dog was seized and the person who made the complaint. Any interested party, including the City Attorney, may present evidence at the hearing.
 - (6) If the animal has attacked, bitten or injured a human being or domestic animal and the circumstances indicate that there is a probability of additional occurrences and that the animal poses a threat of serious harm to the public health and safety, the Animal Control Officer or Police Officer may order the impoundment and destruction of the animal after notifying the owner. Such notice shall be in writing and shall be issued within two days of the impoundment.
 - (7) The owner shall have the right to a hearing as outlined above.
 - (8) If the owner fails to request a hearing or fails to appear at the hearing, the animal will be destroyed.
 - (9) If a Court finds, after notice and hearing as provided in this Subsection, that the owner of a dangerous dog has failed to comply with the requirements for keeping a dangerous dog, the Court shall order the Animal Control Officer to seize the dog and shall issue a warrant authorizing the seizure. The Animal Control Officer shall seize the dog and provide for its impoundment in secure and humane conditions.
 - (10) The owner shall pay any cost or fee assessed by the City related to the seizure, acceptance, impoundment, or destruction of the dog.
- (d) *Immediate Destruction of the Animal if Warranted.* Nothing in this Section shall be construed to prevent the immediate destruction by the Animal Control Officer or a Police Officer of any vicious animal when less drastic methods, such as tranquilizing, are not effective or available or when the Animal Control Officer, a Police Officer, nor the animal's owner is able to restrain or control the animal.
- (e) *Reporting Requirements.*
- (1) If the owner of a registered dog sells or moves the dog to a new address, the owner, not later than the fourteenth (14th) day after the sale or move, shall notify the Animal Control Officer of the new address.
 - (2) The owner of a registered dangerous dog shall notify the Animal Control Officer of any attacks the dangerous dog makes on people.

(f) Consequences of Attacks by Dangerous Dog.

- (1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (2) An offense under this Section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor.
- (3) If a person is found guilty of an offense under this Section, the Court may order the dangerous dog destroyed by a licensed veterinarian.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Secs. 14-60 – 14-80. Reserved.

ARTICLE V. COMMERCIAL ANIMAL ESTABLISHMENTS

Sec. 14-81. Permits.

- (a) No person, partnership, or corporation shall open or operate a commercial animal establishment without first obtaining a permit in compliance with this Ordinance and the City of Helotes Zoning Code.
- (b) The City shall publish these regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws. The City may amend such regulations from time, to time as deemed desirable for public health and welfare and for the protection of animals.
- (c) Upon a showing by the applicant for a permit that they are willing and able to comply with the regulations published by the City, a permit shall be issued upon payment of the applicable fee.
- (d) The permit period shall begin on January 1 of each year and shall run for one year. Fees will be prorated for applications received during the year.
- (e) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a transfer fee.
- (f) Annual permit fees will be charged in accordance with the most recent adopted fee schedule passed and approved by the City Council.

(Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Sec. 14-82. Facility standards.

- (a) Generally.
 - (1) *Structural Strength.* Housing facilities shall be structurally sound and shall be maintained in good repair to protect and contain animals and restrict the entrance of other animals.
 - (2) *Fencing.* Fencing shall be solidly anchored to the ground to prevent animals from escaping by digging under the fence and sufficient height to prevent animals from escaping.
 - (3) *Water and Electricity.* Adequate potable water and reliable and adequate electric power shall be available.

- (4) *Storage.* Food and bedding supplies shall be stored in facilities which protect them against infestation or contamination by vermin. Refrigeration shall be provided for perishable food items.
 - (5) *Waste Disposal.* Provisions shall be made for the removal and disposal of food and animal wastes, bedding, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
 - (6) *Washrooms.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.
- (b) Indoor facilities.
- (1) *Heating.* Indoor housing facilities shall be sufficiently warm enough to protect animals from cold.
 - (2) Sufficient clean bedding material and other means of protection shall be provided when the ambient temperature falls below the temperature to which an animal is acclimated.
 - (3) *Ventilation.* Indoor housing facilities shall be adequately ventilated to provide for the health and comfort of the animals at all times. Fresh air shall be provided by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is eighty-five degrees (85°) Fahrenheit or higher within the facility.
 - (4) *Lighting.* Indoor housing facilities shall have ample light by natural or artificial means. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period.
 - (5) *Surfaces.* The interior building surface shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.
 - (6) *Drainage.* A suitable method shall be provided to rapidly eliminate excess liquid from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors. Closed drainage system, shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.
- (c) Outdoor Facilities.
- (1) *Shelter from Sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals to protect themselves from the direct rays of the sun.
 - (2) *Shelter from Rain.* Adequate shelter shall be provided to allow animals to remain dry.
 - (3) *Shelter from Cold.* Adequate shelter shall be provided for all animals when the temperature falls below fifty degrees (50°) Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which an animal is acclimated.
 - (4) *Drainage.* A suitable method shall be provided to rapidly eliminate excess liquid.

(d) Space Requirements.

- (1) Primary enclosures must be large enough so that animals may obtain adequate exercise. Separate kennels used as sleeping quarters must provide sufficient space to allow each animal to turn about freely, stand easily, sit, and lie in a comfortable, normal position.
- (2) A primary enclosure shall never house more than twelve (12) dogs.
- (3) Dog kennel houses and primary enclosures shall meet the following minimum space requirements:

Dog's Weight	Primary Width	Enclosure Sq. Footage	House Width	House Square Footage
Up to 15 lbs	2.0 ft.	6.0	1.5 ft.	3.0
15 to 35 lbs.	2.5 ft.	10.0	2.0 ft.	5.0
35 to 65 lbs.	3.0 ft.	15.0	2.5 ft.	7.5
65 to 95 lbs.	3.0 ft.	18.0	2.5 ft.	9.0
95 to 130 lbs.	3.5 ft.	24.0	3.0 ft.	12.0
Over 130 lbs.	4.0 ft.	32.0	3.5 ft.	14.0

- (4) If the primary enclosure or kennel contains more than one dog, the minimum number of square feet required is the sum of the square feet requirements for each individual dog.

(e) Food and Water.

- (1) Animals shall be provided food which shall be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (2) Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and clean. Food receptacles shall be sanitized at least once every two weeks. Self-feeders may be used for dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.
- (3) Clean potable water shall be available to the animals at all times, unless restricted for veterinary care. Containers shall be designed to prevent tipping and spilling of water. Containers shall be clean and sanitized at least once every two weeks.

(f) Sanitation.

- (1) *Cleaning.* Feces shall be removed daily to prevent contamination of the animals and to reduce disease hazards and odors. Rugs, blankets, and other bedding material shall be kept clean and dry.
- (2) *Sanitizing.* Prior to the introduction of animals into empty previously occupied enclosures, such enclosures shall be sanitized to prevent an accumulation of debris, feces, or any disease hazard, and shall be repeated at a minimum of once every two weeks. Cages, rooms, and hard surfaced pens and runs shall be sanitized by washing them with hot water (180°F) and soap or detergent; by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant; or by cleaning all soiled surfaces with live steam. Pens and runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary.
- (3) *Housekeeping.* Premises shall be kept clean and in good repair in order to protect the animal from injury and to facilitate prescribed husbandry practices. Premises shall remain free of accumulations of trash, debris, or feces.

- (4) *Pest Control.* An effective program for the control of insects, parasites, and vermin shall be established and maintained.
 - (5) *Employees.* A sufficient number of caretakers shall be utilized to maintain the standards set forth in this Section.
 - (6) *Classification and Separation.* Animals housed in the same enclosure shall be maintained in compatible groups with the following restrictions:
 - a. Females in season (estrus) shall not be housed in the same enclosure with males, except for breeding purposes.
 - b. Any animal exhibiting a vicious disposition shall be housed individually.
 - c. Dogs shall not be housed with cats, nor shall dogs or cats be housed with other species, except at the request of the owner.
 - d. Puppies and kittens shall not be housed with adult dogs or cats, other than their dams, except at the request of their owner.
 - e. Animals under quarantine or treatment for a communicable disease shall be separated from other animals in such a manner so as to minimize dissemination of the disease.
 - f. Animals with substantial injuries shall be housed separately from other animals.
 - (g) *Records.* The kennel operator shall keep available for inspection a record that shows the name, address, and telephone number of owners of each animal at the kennel; the description, age, breed, sex, and color of each animal; and a current rabies certificate for each animal.
 - (h) *Inspection.* The City retains the right to inspect the facilities. As a condition of the issuance of a permit, each operator agrees to allow such inspection.
- (Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Secs. 14-83 – 14-90. Reserved.

ARTICLE VI. SPECIAL PROVISIONS

Sec. 14-91. Abatement of conditions not complying with this ordinance.

Whenever any premises where animals are kept are in an unsanitary condition; or the facilities are not in keeping with the provisions of this Ordinance, or any other regulation herein; or if any health ordinance or law is not observed, the City Health Officer, Animal Control Officer, Local Health Inspector, or his/her representative, by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises, may order the abatement of the regulations or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the City to obtain relief by injunction. (Ord. No. 240, §2 (app.A. art. V, §2), 7-24-2003; Ord. No. 274, §2 (App. A), 1-27-2005; Ord. No. 393, §1, 2-12-2009)

Chapters 15 - 17. Reserved.